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10/734,862	12/12/2003	Gerald J. O'Connor	03-1088	1544
36910 7590 08/14/2008 MBHB/TRADING TECHNOLOGIES 300 SOUTH WACKER DRIVE SUITE 3200 CHICAGO, IL 60606				
EXAMINER				
VEZERIS, JAMES A				
ART UNIT		PAPER NUMBER		
3693				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/734,862

**Applicant(s)**

O'CONNOR ET AL.

**Examiner**

JAMES A. VEZERIS

**Art Unit**

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 07 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **Final Rejection**

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Response to Applicant's Arguments**

2. In the original office action dated January 8, 2008 the examiner incorrectly stated the rejections of claims 1-12 under both 102(b) and 102(e) as pointed out by the applicant. The applicant was correct in assuming the rejection was intended to be a 102(e) rejection.
3. In response to the applicant's argument that, "Cha does not disclose the features of claim 1, which include defining a trading strategy "comprising a plurality of trading rules," and "selecting at least one of the plurality of trading rules...based on a comparison of the..., actual event value compared to the..., estimated event value," and executing that 'selected trading rule.'" the examiner respectively disagrees. While an

"automatic trade condition" is established in Cha, it is not the trading rule claimed by the applicant. As seen in figure 4 of Cha, multiple trading rules are definable, such as buying and selling. The system receives a price (actual event value), then compares the actual event value against the multiple trading rules which were created. The system selects one of the plurality of trading rules based on the comparison of the actual event value to the estimated event value (the price the user sets in Cha). Cha teaches both the selecting of a trading rule from multiple trading rules and the selection process being based on comparing estimated and actual event values.

4. In response to the applicant's argument that the "news-related event indicator" of claim 3 should be differentiated from the "actual event value" of claim 1 the examiner disagrees. The fact that different terminology is applied in a dependent claim does not constitute the need for the examiner to view the scope of the claim differently. Although the specification of the applicant defines a "news-related event indicator" it is not unreasonable for the examiner, a person skilled in the art, to view the release of a current stock price as a "news-related event indicator". Therefore, unless the applicant's definition is put into the claims, the examiners rejection is reasonable. Arguments for claims 4 and 12 are the same as that of claim 3 and the response by the examiner to claim 3 can be used for claims 4 and 12.

5. In response to the applicant's argument that "claim 10 includes using a 'revised event value' to select a trading rule from a plurality of trading rules, which Cha does not disclose. Particularly, Cha does not disclose defining 'a second trading strategy' comprising a "plurality of trading rules... "receiving the "revised event value;" selecting a

trading rule "based on a comparison of the at least one revised event value compared to the at least one actual event value;" and executing the selected trading rule" examiner disagrees. Examiners original rejection stands because all steps of claim 10 are accounted for in Cha. The system of Cha allows for one to use the actual event value in a comparison against a revised event value. See figure 5 second condition. The actual event value is the basis off of which the "won" amount is calculated. The revised event value is then received and the system then compares.

#### **Claim Rejections- 35 U.S.C. 102(e)**

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by US PG-Pub 2003/0126069 to Cha (Hereinafter "Cha").

#### **Regarding Claim 1:**

Cha teaches a method for event-based trading, the method comprising:

defining a first trading strategy comprising a plurality of trading rules to be applied based on a comparison of at least one estimated event value to at least one actual event value to be announced at some later time;

receiving the at least one actual event value;  
selecting at least one of the plurality of trading rules corresponding to the first trading strategy based on a comparison of the at least one actual event value compared to the at least one estimated event value; and  
executing the at least one selected trading rule.

In Figure 5 it is shown that a trading strategy is set up, the purchase and selling conditions, these are based on the estimated event value- the price the user believes the stock is worth. A price for a stock, the actual event value, is then sent into the system from an exchange. The actual event is compared to the estimated event and if conditions are correct the order goes through. (See paragraphs 79-85, fig. 4)

**Regarding Claim 2:**

Cha further teaches a computer readable medium having stored therein instructions to execute the method of claim 1. (See paragraph 2)

**Regarding Claim 3:**

Cha further teaches the at least one estimated event value comprises at least one estimated news-related event indicator value, and wherein the at least one actual event value comprises at least one news- related indicator value.

Cha teaches the estimated news-related event indicator value is the purchase and selling prices the user enters. The actual price the commodity is selling for is the actual event value comprised of a news-related indicator value. (See paragraphs 79-85)

**Regarding Claim 4:**

Cha further teaches the at least one actual event value is received directly from a news source. (See paragraph 2 the stock market exchange is a news source)

**Regarding Claim 5:**

Cha further teaches displaying the at least one estimated event value in a first graphical format on a graphical user interface. (fig. 6)

**Regarding Claim 6:**

Cha further teaches upon receiving the at least one actual event value, displaying the at least one actual event value in a second graphical format on the graphical user interface.

Cha teaches hitting the referral button described in fig. 4 to load the actual event value into the graphical user interface.

**Regarding Claim 7:**

Cha further teaches the at least one actual event value is input by a user via the graphical user interface.

Cha allows a user to enter an initial condition as shown in fig.4. This value can be the actual event value as described in claim 6.

**Regarding Claim 8:**

Cha further teaches displaying the plurality of trading rules corresponding to the first trading strategy defined in relation to the estimated and actual event values being displayed via the graphical user interface. (See fig. 4)

**Regarding Claim 9:**

Cha further teaches the estimated and actual event values are displayed using different indicators. (The estimated values and actual values are entered in different areas of the gui as shown in fig 4 and explained in paragraphs 79-85)

**Regarding Claim 10:**

Cha further teaches defining a second trading strategy comprising a plurality of trading rules to be applied based on a comparison of at least one actual event value to at least one revised event value to be announced at some later time;

receiving the at least one revised event value;

selecting at least one of the plurality of trading rules based on a comparison of the at least one revised event value compared to the at least one actual event value;

executing the at least one selected trading rule corresponding to the second trading strategy.

In Figure 5 it is shown that a trading strategy is set up, the purchase and selling conditions, these are based on the actual event value- the price the stock is worth. A updated price for a stock, the revised event value, is then sent into the system from an exchange. The actual event is compared to the revised event and if conditions are correct the order goes through. This process is continuous. Figure 4 shows the strategies being set up. (See paragraphs 79-85, fig. 4)

**Regarding Claim 11:**

Cha further teaches displaying the at least one revised event value in a third graphical format on the graphical user interface. (See fig.4)

**Regarding Claim 12:**



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Cha further teaches the at least one revised event value comprises at least one revised news-related event value.

Cha teaches the estimated news-related event indicator value is the purchase and selling prices the user enters. The actual price the commodity is selling for is the actual event value comprised of a news-related indicator value. (See paragraphs 79-85)

#### **Claim Rejections- 35 U.S.C. 103(a)**

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cha in view of official notice.

#### **Regarding Claim 14:**

Cha fails to further teach once the at least one actual value is received, displaying a time since the release of the at least one actual event value. However it was well known in the art, at the time the applicant submitted the application to store when a stock price was updated. Multiple systems, such as ameritrade and etrade all had this feature. It is obvious to combine this feature with Cha because it keeps the user of the system informed about how old the data they are using is. This allows for more informed trades.

#### **Regarding Claim 13:**

Cha fails to teach displaying a time left before a release of the at least one actual event value. However it was well know in the art, at the time the applicant submitted the application to automatically update websites on a set schedule. It would be a simple non-trivial computer code change to cause Cha system to automatically update every "x" seconds or minutes; and to display the counter. It is obvious to combine this feature with Cha because it keeps the user of the system informed about how old the data they are using is. This allows for more informed trades.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES A. VEZERIS whose telephone number is (571)270-1580. The examiner can normally be reached on Monday-alt. Fridays 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/  
Supervisory Patent Examiner, Art Unit 3693

/JAMES A VEZERIS/  
Examiner, Art Unit 3693

8/11/2008